

# FAX

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**ATTN.** Niles R. Shah

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**Fax Number** 1 571 273 8300

**Phone Number** 571 272 3771

**FROM** Volel Emile, Esq.

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**Fax Number** 512 306 0240

**Phone Number** 512 306 7969

**SUBJECT** Notice of Appeal (10/082,746)

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**Number of Pages** 6

**Date** 3/8/2006

## MESSAGE

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This fax transmission contains:

1. one copy of a Fax Transmittal Form; and
2. two copies of the Notice of Appeal, including a Fee Transmittal Letter and Fee.

Volel


MAR 08 2006

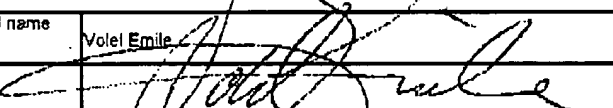
PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number     | 10/082,746             |
|   | Filing Date            | 02/21/2002             |
|   | First Named Inventor   | Jack Allen Alford, Jr. |
|   | Art Unit               | 2180                   |
|   | Examiner Name          | Nilesh R. Shah         |
| Total Number of Pages in This Submission  | Attorney Docket Number | AU9920010887US1        |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br>Notice of Appeal.  |  |   |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |  |   |
| Firm or Individual name   | Volel Emile  |   |
| Signature   |   |   |
| Date  | 03/08/2006   |   |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |                 |
|---|---|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |                 |
| Typed or printed name   | Volel Emile   |                 |
| Signature   |  | Date 03/08/2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/082,746  
 Notice of Appeal dated 03/08/2006  
 Reply to Office Action of 12/29/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :  
 Jack Allen Alford, Sr. :  
 : Before the Examiner:  
 Serial No: 10/082,746 : Niles R. Shah  
 :  
 Filed: 02/21/2002 : Group Art Unit: 2195  
 :  
 Title: APPARATUS AND METHOD : Confirmation No.: 6334  
 OF DYNAMICALLY :  
 REPARTITIONING A COMPUTER :  
 SYSTEM IN RESPONSE TO :  
 PARTITION WORKLOADS :

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Commissioner for Patents  
 P.O. Box 1460  
 Alexandria, VA 22313-1460

Applicants hereby appeal to the Board of Appeals from  
 the Decision of the Primary Examiner of December 29, 2005  
 finally rejecting claims 1 - 52.

The item(s) marked below are appropriate:

1. \_\_\_\_\_ A petition and fee for extension of term for  
 reply to the final rejection is attached.
2.   X   Appeal fee  
         X   other than a small entity. Fee: \$500.00
3.   X   Payment  
         X   Please charge Deposit Account 09-0447  
       the sum of \$500.00. A duplicate of this notice  
       is attached.

AUS920010887US1

03/09/2006 MBINAS 00000040 090447 10002746  
 01 FC:1481 500.00 DA

Appl. No. 10/082,746  
Notice of Appeal dated 03/08/2006  
Reply to Office Action of 12/29/2005

Respectfully Submitted

By: 

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